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SPECIAL CIVIL APPLICATION NO. 1094 OF 1982

Date of Decision : 25.1.1996

For Approval & Signature

THE HON'BLE MR. JUSTICE A.R DAVE

AND

THE HON'BLE MR. JUSTICE

1. Whether reporters of Local Papers may be allowed to see the judgment ?

2. To be referred to the Reporter or not ?

3. Whether their Lordships wish to see the fair copy of the judgment ?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any other order made thereunder ?

5. Whether it is to be circulated to the Civil Judge ?

Mr. H.B.Shah , learned Advocate for the Petitioner

Mr. B.B.Naik , learned Advocate for the Respondent Nos.1 & 2

CORAM : A.R DAVE, J.

20.1.1996

ORAL JUDGMENT :

In the present petition, the petitioner has prayed for a direction that respondent no.1 General Manager, Ahmedabad Telephones, be directed to restore the connection of Telephone No. 65732 at Ahmedabad Airport.

In reply to the petition, affidavit-in-reply has been filed by Shri R. Krishnamurthy, Aerodrome Officer- respondent no.2 stating that in fact, the petitioner association has no right to avail the facility of above-referred telephone connection for the reason that every two years, contract for permitting a person to manage a telephone booth is renewed and in the instant case, period of two years had already been completed at the time when telephone connection was disconnected. In view of above-referred circumstance, the petitioner has no legal or fundamental right to avail reconnection or restoration of telephone connection bearing No. 65732 at the place referred to in the petition.

As stated in the affidavit-in-reply, after inviting tenders, another person or authority must have been given facility which the petitioner association had enjoyed in pursuance of a contractual relation entered into between the petitioner and the concerned respondent. The respondent authorities cannot be constrained to accept the offer or tender of the petitioner association and, therefore, no direction as prayed for can be given in this petition under Article 226 of the Constitution of India.

Needless to say that it is open to the petitioner to approach the concerned authority with an offer to have the facility which it enjoyed in the past and if such an offer is made, I am sure that the concerned authority would duly consider the offer of the petitioner in accordance with relevant rules and regulations and policy which might be followed from time to time.

In the result, this petition is dismissed. Rule is discharged with no order as to costs.

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